

U.S.A. vs

David Perez-Lemos (2)

No.

09CR21191-DMS

The Court finds excludable delay, under the section indicated by check (✓),

commenced on 4-28-08 and ended on 7-16-08 (X)
7-16-08 and ended on 10-3-08 (X, X)

- 3161(h)
 ___ (1) (A) Exam or hrg for mental or physical incapacity
 ___ (1) (B) NARA examination (28:2902)
 ___ (1) (D) State or Federal trials or other charges pending
 ___ (1) (E) Interlocutory appeals
 ✓ (1) (F) Pretrial motions (from flg to hrg or other prompt dispo)
 ___ (1) (G) Transfers from other district (per FRCrP 20, 21 & 40)
 ___ (1) (J) Proceedings under advisement not to exceed thirty days
 ___ Misc proc: Parole or prob rev, deportation, extradition
 ___ (1) (H) Transportation from another district or to/from examination or hospitalization in ten days or less
 ✓ (1) (I) Consideration by Court of proposed plea agreement
 ___ (2) Prosecution deferred by mutual agreement
 ___ (3) (A) (B) Unavailability of defendant or essential witness
 ___ (4) Period of mental or physical incompetence of defendant to stand trial
 ___ (5) Period of NARA commitment or treatment
 ___ (6) Superseding indictment and/or new charges
 ___ (7) Defendant awaiting trial of co-defendant when no severance has been granted
 ___ (8) (A) (B) Continuances granted per (h) (8)-use "T" alone if more than one of the reasons below are given in support of continuance
 ___ (8) (B) (I) 1) Failure to grant a continuance in the proceeding would result in a miscarriage of justice and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial. (Continuance - miscarriage of justice)
 X 2) Failure to grant a continuance of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted. (Continuance - tendered a guilty plea)
 ___ (8) (B) (ii) 2) Case unusual or complex
 ___ (8) (B) (iii) 3) Indictment following arrest cannot be filed in thirty (30) days
 ___ (8) (B) (iv) 4) Continuance granted in order to obtain or substitute counsel, or give reasonable time to prepare (Continuance re counsel)

___ 3161(I) Time up to withdrawal of guilty plea

___ 3161(b) Grand jury indictment time extended thirty (30) more days

Date 7-16-08

CAB
 Judge's Initials

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